

FORM PTO-1449 (Modified)	OCT 21 2003 U.S. Department of Commerce Patent and Trademark Office	Attorney Docket No.: LEXA-00206	Serial No.:
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets If Necessary) (37 CFR § 1.98(b))		Applicant: Petro Estakhri et al.	
		Filing Date: 08/21/03	

U.S. PATENT DOCUMENTS

Examiner Initials	Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
AA						
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FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

	Document Number	Publication Date	Country / Patent Office	Class	Subclass	Translation
						Yes
AP	63 155248	06/28/88	JP	G-06-F	13/14	X
AQ						
AR						
AS						
AT						

OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)

AU	
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Examiner: *Mike Nygren*Date Considered: *03/28/05*

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-144 (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets If Necessary) (37 CFR § 1.98(b))					U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No.: LEXA-00206	Serial No.: 10/647,084
					Applicant: Petro Estakhri et al.			
					Filing Date: 08/21/03		Group Art Unit:	
					U.S. PATENT DOCUMENTS			
Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date	
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FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS								
		Document Number	Publication Date	Country / Patent Office	Class	Subclass	Translation	
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MW	AP	64-076316	03/22/89	JP	G 06 F	3/08	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MW	AQ	10-334206	12/09/98	JP	G 06K	19/07	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MW	AR	EP 0 883 083 A1	06/02/98	EP	G 06K	19/07	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MW	AS	JP9016732	01/17/97	JP	G 06K	19/00	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	AT							
OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)								
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Examiner:	<i>Amile Noyce</i>			Date Considered: 03/28/05				
EXAMINER:	Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

FORM PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney Docket No.: LEXA-00206	Serial No.: 10/647,084
NOV 06 2003 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets If Necessary) (37 CFR § 1.98(b))		Applicant: Petro Estakhri et al.	
		Filing Date: August 21, 2003	Group Art Unit:

U.S. PATENT DOCUMENTS							
Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
MM	AA	6,026,293	02/15/00	Osbom	455	411	09/05/96
MP	AB	6,144,607	11/07/00	Sassa	365	230.03	06/10/98
MN	AC	6,360,220 B1	03/19/02	Forin	707	8	12/31/98
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Examiner: <i>Mike Myrue</i>	Date Considered: <i>03/28/05</i>
EXAMINER: <i>Mike Myrue</i>	Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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				Filing Date: August 21, 2003		Group Art Unit:	
U.S. PATENT DOCUMENTS							
Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
MN	AA	4,701,841	10/20/87	Goodrich et al.	364	200	07/25/84
	AB	4,907,162	03/06/90	Fougere	364	464.02	07/16/87
	AC	4,979,173	12/18/90	Geldman et al.	371	39.1	09/21/87
	AD	5,140,595	08/18/92	Geldman et al.	371	39.1	10/04/90
	AE	5,317,505	05/31/94	Karabed et al.	364	410	12/19/90
	AF	5,361,005	11/01/94	Slattery et al.	326	56	03/31/93
	AG	5,388,083	02/07/95	Assar et al.	365	218	03/26/93
	AH	5,430,859	07/04/95	Norman et al.	395	425	07/26/91
	AI	5,455,721	10/03/95	Nemazie et al.	360	51	03/03/94
	AJ	5,477,103	12/19/95	Romano et al.	318	601	06/04/93
	AK	5,479,638	12/26/95	Assar et al.	395	430	03/26/93
	AL	5,485,595	01/16/96	Assar et al.	395	430	10/04/93
	AM	5,495,422	02/27/96	Olson	364	491	10/12/93
	AN	5,523,724	06/04/96	Assar et al.	331	1 A	08/19/94
	AO	5,523,979	06/04/96	Nemazie	365	230.05	04/13/95
	AP	5,524,362	06/11/96	Quandt et al.	34	526	06/03/94
	AQ	5,576,910	11/19/96	Romano et al.	360	77.08	05/15/95
	AR	5,579,502	11/26/96	Konishi et al.	395	430	07/21/95
	AS	5,586,306	12/17/96	Romano et al.	395	500	05/23/95
	AT	5,594,874	01/14/97	Narayanan et al.	395	284	09/30/93
	AU	5,596,526	01/21/97	Assar et al.	365	185.17	08/15/95
	AV	5,604,880	02/18/97	Dipert	395	430	05/07/96
	AW	5,606,660	02/25/97	Estakhri et al.	395	183.14	10/21/94
	AX	5,630,170	05/13/97	Koizumi et al.	395	834	05/19/95
	AY	5,678,056	10/14/97	Nakamura	395	800	02/27/95
	AZ	5,696,775	12/09/97	Nemazie et al.	371	51.1	11/26/96
	BA	5,737,742	04/07/98	Achiwa et al.	711	103	06/27/95
	BB	5,740,358	04/14/98	Geldman et al.	395	184.01	06/07/95
	BC	5,754,890	05/19/98	Holmdahl et al.	395	883	02/01/96
	BD	5,768,043	06/16/98	Nemazie et al.	360	77.08	10/26/95
	BE	5,815,426	09/29/98	Jigour et al.	365	51	03/25/97
	BF	5,818,350	10/06/98	Estakhri et al.	340	825.52	04/11/95
	BG	5,818,781	10/06/98	Estakhri et al.	365	226	11/13/96
	BH	5,822,245	10/13/98	Gupta et al.	365	185.12	03/26/97
↓	BI	5,835,935	11/10/98	Estakhri et al.	711	103	09/13/95
MN	BJ	5,838,614	11/17/98	Estakhri et al.	365	185.11	05/19/97
Examiner: <i>Mike Kyugen</i>				Date Considered: 03/28/05			
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FORM PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney Docket No.: LEXA-00206	Serial No.: 10/647,084
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets If Necessary) (37 CFR § 1.98(b))		Applicants: Petro Estakhri et al.	
		Filing Date: August 21, 2003	
		Group Art Unit:	

U.S. PATENT DOCUMENTS							
Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
MP	BK	5,845,313	12/01/98	Estakhri et al.	711	103	07/31/95
	BL	5,848,438	12/08/98	Nemazie et al.	711	201	03/03/95
	BM	5,864,568	01/26/99	Nemazie	371	40.14	06/30/97
	BN	5,867,428	02/02/99	Ishii et al.	365	185.24	07/08/97
	BO	5,881,252	03/09/99	Sahgal et al.	395	284	08/29/97
	BP	5,905,993	05/18/99	Shinohara	711	103	04/09/97
	BQ	5,907,856	05/25/99	Estakhri et al.	711	103	03/31/97
	BR	5,909,596	06/01/99	Mizuta	395	883	07/11/96
	BS	5,920,197	07/06/99	Price et al.	324	538	08/07/95
	BT	5,920,731	07/06/99	Pletl et al.	395	834	02/21/97
	BU	5,924,113	07/13/99	Estakhri et al.	711	103	05/29/98
	BV	5,928,370	07/27/99	Asnaashari	714	48	02/05/97
	BW	5,930,815	07/27/99	Estakhri et al.	711	103	10/07/97
	BX	5,933,026	08/03/99	Larsen et al.	326	81	04/11/97
	BY	5,946,714	08/31/99	Miyauchi	711	205	04/16/97
	BZ	5,953,737	09/14/99	Estakhri et al.	711	103	07/07/98
	CA	5,966,720	10/12/99	Itoh et al.	711	1	12/24/97
	CB	6,018,265	01/25/00	Keshtbod	327	540	03/30/98
	CC	6,025,966	02/15/00	Nemazie et al.	360	53	04/04/97
	CD	6,034,897	03/07/00	Estakhri et al.	365	185.33	04/01/99
	CE	6,038,400	03/14/00	Bell et al.	395	831	09/27/95
	CF	6,040,997	03/21/00	Estakhri	365	185.33	03/25/98
	CG	6,041,001	03/21/00	Estakhri	365	200	02/25/99
	CH	6,073,205	06/06/00	Thomson	711	100	07/10/97
	CI	6,076,137	06/13/00	Asnaashari	711	103	12/11/97
	CJ	6,081,878	06/27/00	Estakhri et al.	711	168	02/25/98
	CK	6,084,483	07/04/00	Keshtbod	331	57	03/10/99
	CL	6,115,785	09/05/00	Estakhri et al.	711	103	05/13/99
	CM	6,122,195	09/19/00	Estakhri et al.	365	185.11	06/11/99
	CN	6,125,435	09/26/00	Estakhri et al.	711	201	11/24/97
	CO	6,128,695	10/03/00	Estakhri et al.	711	103	09/18/98
	CP	6,134,151	10/17/00	Estakhri et al.	365	185.33	03/06/00
	CQ	6,138,180	10/24/00	Zegelin	710	11	09/12/97
✓	CR	6,141,249	10/31/00	Estakhri et al.	365	185.11	09/03/99
MW	CS	6,145,037	11/07/00	Sakakibara	710	102	06/11/98

Examiner: *Mike Nguyen* Date Considered: *03/28/05*

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT <small>(Continuation Sheets If Necessary)</small> (37 CFR § 1.98(b))				U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No.: LEXA-00206	Serial No.: 10/647,084
				Applicants: Petro Estakhri et al.			
				Filing Date: August 21, 2003		Group Art Unit:	

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Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
MN	CT	6,145,051	11/07/00	Estakhri et al.	711	103	03/08/99
	CU	6,151,247	11/21/00	Estakhri et al.	365	185.11	03/07/00
	CV	6,172,906 B1	01/09/01	Estakhri et al.	365	185.11	03/08/00
	CW	6,173,314 B1	01/09/01	Kurashima et al.	709	204	12/08/97
	CX	6,175,770 B1	01/16/01	Bladow	700	2	12/31/97
	CY	6,182,162 B1	01/30/01	Estakhri et al.	710	11	03/02/98
	CZ	6,202,138 B1	03/13/01	Estakhri et al.	711	168	01/20/00
	DA	6,223,308 B1	04/24/01	Estakhri et al.	714	42	03/07/00
	DB	6,230,234 B1	05/08/01	Estakhri et al.	711	103	03/08/00
	DC	6,262,918 B1	07/17/01	Estakhri et al.	365	185.33	06/30/00
	DD	6,266,720 B1	07/24/01	Kakinoki	710	63	11/24/98
	DE	6,314,480 B1	11/06/01	Nemazie et al.	710	74	11/08/99
	DF	6,327,639 B1	12/04/01	Asnaashari	711	103	05/26/00
	DG	6,374,337 B1	04/16/02	Estakhri	711	169	11/16/99
	DH	6,385,667 B1	05/07/02	Estakhri et al.	710	8	01/20/99
	DI	6,393,513 B2	05/21/02	Estakhri et al.	711	103	04/23/01
	DJ	6,397,314 B1	05/28/02	Estakhri et al.	711	168	11/02/00
	DK	6,404,246 B1	06/11/02	Estakhri et al.	327	156	12/20/00
	DL	6,411,546 B1	06/25/02	Estakhri et al.	365	185.11	05/05/00
	DM	6,462,986 B1	10/08/02	Khan	365	185.2	02/24/99
✓	DN	6,484,216 B1	11/19/02	Zegelin	710	11	07/05/00
MN	DO	6,490,649 B2	12/03/02	Sinclair	711	103	02/28/02

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	Document Number	Publication Date	Country / Patent Office	Class	Subclass	Translation	
						Yes	No
	DP	10-79197	03/24/98	JP	G11C	16/02	X
	DQ	9-147581	06/06/97	JP	G11C	16/06	X
	DR	5-46461	02/26/93	JP	G06F	12/02	X
	DS	5-233426	09/10/93	JP	G06F	12/02	X

OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)

MN	DT	"Compact Flash Specification", Compact Flash Association, Revision 1.0, 1996.
	DU	
	DV	
	DW	
	DX	

Examiner: Dr. M. J. Gruber Date Considered: 03/28/05

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				Filing Date: August 21, 2003		Group Art Unit: 2182																																																																																																	
<table border="1"> <tr> <td colspan="8">U.S. PATENT DOCUMENTS</td> </tr> <tr> <th>Examiner Initials</th> <th></th> <th>Serial / Patent Number</th> <th>Issue Date</th> <th>Applicant / Patentee</th> <th>Class</th> <th>Subclass</th> <th>Filing Date</th> </tr> <tr> <td>MW</td> <td>AA</td> <td>6,339,831 B1</td> <td>01/15/02</td> <td>Sugawara et al.</td> <td>714</td> <td>3</td> <td>09/11/98</td> </tr> <tr> <td></td> <td>AB</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>AC</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>AD</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>AE</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>AF</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>AG</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>AH</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>AI</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>AJ</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>								U.S. PATENT DOCUMENTS								Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date	MW	AA	6,339,831 B1	01/15/02	Sugawara et al.	714	3	09/11/98		AB								AC								AD								AE								AF								AG								AH								AI								AJ						
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				Filing Date: August 21, 2003		Group Art Unit: 2182	
(37 CFR § 1.95(b)) MAR 05 2004		U.S. PATENT DOCUMENTS					
Examiner Initials	Serial & Patent Number	Issue Date	Applicant / Patentee		Class	Subclass	Filing Date
MN	AA 6,625,713 B2	09/23/03	Iida et al.		711	206	03/19/02
MP	AB 6,446,177 B1	09/03/02	Tanaka et al.		711	163	09/28/99
MN	AC 6,282,624 B1	08/28/01	Kimura et al.		711	702	11/12/98
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Examiner: <i>Christopher M. Hagan</i>	Date Considered: 03/28/05						
EXAMINER: <i>Christopher M. Hagan</i>	Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						

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(37 CFR § 1.98(b))				Filing Date: August 21, 2003		Group Art Unit: 2182

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Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
MN	AA	6,434,648 B1	08/13/02	Assour et al.	710	102	12/10/98
MN	AB	6,125,409	09/26/00	Le Roux	710	22	09/05/96
MN	AC	5,928,347	07/27/99	Jones	710	129	11/18/97
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		Document Number	Publication Date	Country / Patent Office	Class	Subclass	Translation	
							Yes	No
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OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)							
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Examiner: *Mike Lengyel* Date Considered: *03/28/05*

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No.: Lexa-00206	Serial No.: 10/647,084		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets If Necessary) (37 CFR § 1.98(b))				Applicant: Petro Estakhri et al.			
				Filing Date: August 21, 2003		Group Art Unit: 2182	
U.S. PATENT DOCUMENTS							
Examiner Initials	Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date	
MP	6,697,886 B1	02/24/04	Muraki et al.	710	36	05/25/99	
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	6,658,516 B2	12/02/03	Yao	710	301	04/11/00	
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	6,654,841 B2	11/25/03	Lin	710	301	07/16/01	
	6,633,933 B1	10/14/03	Smith et al.	710	74	09/30/99	
	6,628,552 B1	09/30/03	Larsen et al.	365	189.05	04/11/97	
	6,625,790 B1	09/23/03	Casebolt et al.	716	8	10/01/99	
	6,612,498 B1	09/02/03	Lipponen et al.	235	486	03/09/00	
	6,567,875 B1	05/20/03	Williams et al.	710	302	04/05/99	
	6,546,482 B1	04/08/03	Magro et al.	713	1	05/07/99	
	6,484,216 B1	11/19/02	Zegelin	710	11	07/05/00	
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	6,457,071 B1	09/24/02	Thorland et al.	710	19	08/05/99	
	6,442,625 B1	08/27/02	Robinson et al.	710	8	10/30/00	
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	6,339,831 B1	01/15/02	Sugawara et al.	714	3	09/11/98	
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	6,062,480	05/16/00	Evoy	235	492	07/20/98	
	6,038,400	03/14/00	Bell et al.	395	831	09/27/95	
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MP	5,920,197	07/06/99	Price et al.	324	538	08/07/95	
Examiner: <i>Mike Guyer</i>				Date Considered: 03/28/05			
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Use Several Sheets If Necessary)

(37 CFR § 1.98(b))

Applicant: Petro Estakhri et al.

Filing Date: August 21, 2003

Group Art Unit: 2182

U.S. PATENT DOCUMENTS Con't

Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
MW	BJ	5,909,596	06/01/99	Mizuta	395	883	07/11/96
	BK	5,815,426	09/29/98	Jigour et al.	365	51	03/25/97
	BL	5,630,170	05/13/97	Koizumi et al.	395	834	05/19/95
	BM	5,754,890	05/19/98	Holmdahl et al.	395	883	02/01/96
	BN	5,594,874	01/14/97	Narayanan et al.	395	284	09/30/93
	BO	5,524,362	06/11/96	Quandt et al.	34	526	06/03/94
↓	BP	5,495,422	02/27/96	Olson	364	491	10/12/93
MW	BQ	4,701,841	10/20/87	Goodrich et al.	364	200	07/25/84
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Examiner: Mike Murphy

Date Considered:

03/28/05

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet 1 of 1

FORM PTO-1449 (Modified) INFORMATION DISCLOSED OR AGREED UPON BY APPLICANT (Use Several Sheets If Necessary) (37 CFR § 1.98(b))				U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No.: LEXA -00206	Serial No.: 10/647,084
				Applicants: Petro Estakhri et al.			
				Filing Date: August 21, 2003		Group Art Unit: 2182	
U.S. PATENT DOCUMENTS							
Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
MW	AA	6,157,559	12/05/00	Yoo	365	52	06/12/98
MW	AB	6,603,509 B1	08/05/03	Haruki	348	231.1	06/08/98
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FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS							
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Examiner:	<i>John Michael Jezewski</i>			Date Considered: 03/28/05			
EXAMINER:	Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets If Necessary) (37 CFR § 1.98(b))				U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No.: LEXA -00206	Serial No.: 10/647,084	
						Applicants: Petro Estakhri et al.		
						Filing Date: August 21, 2003	Group Art Unit: 2182	
U.S. PATENT DOCUMENTS								
Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date	
MN	AA	5,465,235	11/07/95	Miyamoto	365	203	08/30/94	
MN	AB	5,715,423	02/03/98	Levy	395	430	04/18/94	
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FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS								
		Document Number	Publication Date	Country / Patent Office	Class	Subclass	Translation	
							Yes	No
AN	5-282883	10/29/93	Japan	GHC	16/06		X	
AO	7-133003	05/12/95	Japan	GHC	16/06		X	
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Examiner: <i>John Nguyen</i>							Date Considered: 3/28/05	
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								

Seventh Affirmative Defense

Plaintiff's claims are barred in whole or in part by the doctrines of laches, fraud, waiver, estoppel, and/or unclean hands.

Eighth Affirmative Defense

The claims asserted in Plaintiff's Complaint are barred in whole or in part because every employment decision challenged herein, Defendant acted based on legitimate, non-discriminatory, non-retaliatory factors.

Ninth Affirmative Defense

Defendant Roman at all times acted in good faith, based upon a reasonable belief that it was in compliance with all legal requirements.

Tenth Affirmative Defense

Plaintiff's claims are barred in whole or in part by her failure to mitigate her damages.

Eleventh Affirmative Defense

The relief Plaintiff requests is barred by the doctrine of unclean hands.

Twelfth Affirmative Defense

Plaintiff's claims are barred in whole or in part due to her failure to exhaust administrative remedies.

COUNTERCLAIMS AND THIRD-PARTY COMPLAINT BY GREGG ROMAN

PARTIES

1. At all relevant times, Counterclaim Defendant Marnie Meyer O'Brien (O'Brien) was the Controller of The Middle East Forum ("MEF").
2. At all relevant times, Third-Party Defendant Matthew Ebert ("Ebert") was and is in a romantic relationship with Counterclaim Defendant O'Brien. Upon information and belief,

Ebert and O'Brien are domestic partners who currently reside together at 354 Pixly Place in the town of West Deptford, in New Jersey.

3. Ebert is a former West Deptford, New Jersey police department Police Officer and was later employed as an investigator by the Gloucester County Prosecutor's Office until he pleaded guilty to criminal bookmaking charges in 2003.

4. Upon information and belief, as part of his plea bargain, Ebert agreed to never again hold public employment.

5. Counterclaim Defendant O'Brien and Third-Party Defendant Ebert registered a fictitious business on October 15, 2019 called Sundown Security Consulting, described in the New Jersey public record filing as a "security and investigative consulting" business whose true identity is TMBK Enterprises LLC.

6. At all relevant times, Counterclaim and Third-Party Plaintiff Gregg Roman ("Roman") was employed as the Director of MEF.

FACT BACKGROUND

7. At all relevant times Lisa Barbounis ("Barbounis"), Patricia McNulty ("McNulty"), and Caitriona Brady ("Brady") were employed by MEF.

8. In October 2018, while employed by MEF, these employees and O'Brien conspired to make false accusations against Roman with respect to his alleged treatment of them.

9. On October 30, 2018, Barbounis made a written complaint against Counterclaim Defendant O'Brien. A true and correct copy of this complaint is attached as Exhibit D.

10. Upon receipt of the complaint against O'Brien, Roman had another employee, Matthew Bennett, give his account of the allegations. A true and correct copy of his incident report is attached as Exhibit E.

11. Counterclaim Defendant O'Brien and Barbounis met in a Starbucks close to MEF's office on October 31, 2018 (the "October Meeting").

12. After the October Meeting, Barbounis, and O'Brien called Mr. Bennett to a "meeting" outside the office at the local Starbucks. At that "meeting," they told Mr. Bennett that he was either with them or against them in their crusade to ruin Roman.

13. Mr. Bennett, fearful that false claims would be leveled against him as well, declined to get involved.

14. After the October Meeting, Counterclaim Defendant sent an email stating that the dispute had been resolved. A true and correct copy of this email is attached as Exhibit F.

15. On or about November 5, 2018, there was a staff meeting held at the MEF office. Although Roman was originally invited to the meeting, he was subsequently instructed not to attend.

16. Thereafter, MEF stripped Roman of his duties and responsibilities. The restrictions put on Roman were extreme and included the following:

- a. No involvement in MEF's accounting and finances;
- b. No authority to hire or fire MEF employees;
- c. No authority to approve expenses of projects or initiatives; and
- d. No authority to offer or approve contracts on behalf of MEF.

17. Roman also was instructed to not be present in the MEF office without advance notice.

18. Roman's compensation package from MEF was reduced after this meeting.

19. Towards the end of February 2019, Mr. Bennett announced his resignation with two-weeks' notice.

20. MEF President Daniel Pipes called a meeting to determine who would take over Mr. Bennett's duties following his separation.

21. Upon information and belief, Counterclaim Defendant O'Brien sought to augment her responsibilities by adding on to them Mr. Bennett's, and become the Chief Administrative Officer of MEF.

22. Mr. Pipes determined the staff would vote on the decision of whether Counterclaim Defendant O'Brien would take over the duties.

23. At the meeting, all of the staff except for Counterclaim Defendant O'Brien voted that Barbounis, not O'Brien, should take over Mr. Bennett's duties.

24. Mr. Bennett's last day of employment with MEF was on or about March 8, 2019.

25. Shortly thereafter, Barbounis approached Mr. Pipes and requested that Roman be returned to his position and resume most of his managerial responsibilities.

26. Mr. Pipes inquired with the other employees as to whether Roman should return and all of them agreed that he should except for Counterclaim Defendant O'Brien.

27. Roman returned to the office on Saturday, March 9, 2019. The staff was there and all of them encouraged Roman to return except for Counterclaim Defendant O'Brien.

28. A few weeks later, Counterclaim Defendant O'Brien falsely alleged to Mr. Pipes that Roman started a rumor that O'Brien had an intimate relationship with then-current employee Caitriona Brady's father, Kevin Brady.

29. Kevin Brady was the President of the American Institute for History Education, where Counterclaim Defendant O'Brien worked prior to her employment with MEF.

30. By this time, Counterclaim Defendant O'Brien had, for seven (7) months, failed to send a monthly financial report that she had done since starting her employment with MEF for more than two (2) years.

31. This was exemplary of how Counterclaim Defendant O'Brien ignored her duties and responsibilities to the organization in a way that violated General Accounting Principles ("GAP"), which has led to numerous issues with the organization's finances that continue to present.

32. With Roman acting only in an advisory capacity, Barbounis, McNulty, Brady, and O'Brien became worried that their lack of accountability would cease and that they would be held accountable for their poor performance.

33. Instead of improving their work performance, they filed charges of discrimination against Roman and MEF in which contain a number of untrue allegations.

34. In early August 2019, Barbounis announced her resignation from MEF.

35. To hide their unlawful conspiracy, on August 13, 2019, Counterclaim Defendant O'Brien instructed Barbounis to wipe the contents of the Apple laptop provided to Barbounis by MEF. A true and correct copy of the text message from O'Brien to Barbounis is attached hereto as Exhibit G.

36. Barbounis complied with O'Brien's instruction and wiped the contents of her MEF-issued laptop, which she admitted in a January 20, 2020 sworn affidavit.

37. On September 25, 2020, Third-Party Defendant Matthew Ebert, called Roman from a blocked number (the "September 25 Call").

38. Ebert is O'Brien's current domestic partner and, on September 25, 2020, was O'Brien's boyfriend.

39. During the September 25 Call, Ebert hid his true identity from Roman and identified himself only as an “anonymous source.”

40. Ebert called from a blocked number, but his phone records demonstrate that it was, in fact, his phone number that called Roman. A true and correct copy of the relevant portion of Ebert’s phone records is attached hereto as Exhibit H.

41. During the September 25 Call, Ebert, without disclosing his identity, claimed that Roman was the subject of a conspiracy by O’Brien, Barounis, McNulty, and Brady.

42. During the September 25 Call, Ebert stated that the four women, including Counterclaim Defendant O’Brien, were conspiring to bring baseless harassment allegations against Roman.

43. Thereafter, on December 23, 2019, Counterclaim Defendant O’Brien filed suit in the Eastern District of Pennsylvania against MEF, Roman, and Daniel Pipes alleging a Title VII harassment claim (the “First Action”), No. 2:19-cv-06078-PBT.

44. Then, on January 27, 2020, Counterclaim Defendant O’Brien filed a second suit in the Eastern District of Pennsylvania, No. 2:20-cv-00457-JMY (the “Second Action”), in which she alleged that Roman had intentionally and wrongfully retaliated against her in response to her filing the First Action.

45. Specifically, in the Second Action, Counterclaim Defendant O’Brien alleged that Roman retaliated against her when he intentionally interfered with her potential employment opportunity by calling a prospective employer after she had an October 29, 2019 interview and telling the prospective employer that O’Brien was a “drug addict” and “was currently suing her employer.” (Second Action Complaint, ¶¶ 24, 37).

46. Defendants later learned the prospective employer referred to in the Second Action was The Kimmel Center.

47. In the Second Action, O'Brien claimed that Roman had made the phone call in order to prevent her from becoming reemployed by "slander[ing]" O'Brien "to prospective employers in retaliation for Plaintiff's engagement in the protected activity of filing suit against Defendant." (Second Action Complaint, ¶ 28).

48. As a result, O'Brien alleged that she was not hired for the position. (Second Action Complaint, ¶ 26).

49. In fact, Roman had nothing to do with, and had no knowledge of, the call to The Kimmel Center. Instead, as shown by Ebert's phone records, it was Ebert who called The Kimmel Center on October 29, 2019, the same day as O'Brien's interview. A true and correct copy of the relevant portion of Ebert's phone records is attached hereto as Exhibit I.

50. Upon information and belief, with O'Brien's consent and in furtherance of the conspiracy, Ebert called The Kimmel Center and made the statements about O'Brien, which caused The Kimmel Center to rescind or to not make an offer of employment to O'Brien.

51. Upon information and belief, O'Brien had no desire or intention to accept employment at The Kimmel Center because she had already begun a private investigation business with Ebert in New Jersey. Instead, upon information and belief, O'Brien orchestrated The Kimmel Center application and anonymous phone call to bolster the allegations of the Second Action in order to receive a monetary settlement from or judgment against MEF and Roman to fund her business venture with Ebert.

52. As a direct result of the false claims made by O'Brien and of the civil conspiracy by and between Counterclaim Defendant O'Brien and Third-Party Defendant Ebert, MEF

removed Roman from the workplace and significantly reduced his compensation package by eliminating his benefits.

**AS AND FOR COUNT I AGAINST O'BRIEN AND EBERT
TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS**

53. Counterclaim/Third-Party Plaintiff Roman incorporates the above Paragraphs 1 through 52 as if set forth fully herein.

54. Counterclaim Defendant O'Brien and Third-Party Defendant Ebert tortiously interfered with Roman's employment relationship with MEF.

55. No privilege or justification exists for O'Brien's and Ebert's actions.

56. Roman had a business relationship with MEF and a legitimate expectation that his employment with MEF would continue without interruption and O'Brien and Ebert were aware of this relationship and of this legitimate expectation.

57. Roman's employment with MEF would have continued without interruption but for the pre-suit conduct of O'Brien and Ebert, as well as the litigation initiated by O'Brien, which includes but is not limited to:

a. O'Brien urging former employee Bennet with Barbounis, McNulty, and Brady to join a campaign against Roman;

b. O'Brien agreeing with Barbounis, McNulty, and Brady to lodge baseless harassment allegations against Roman;

c. O'Brien making false claims of harassment by Roman to MEF;

d. O'Brien filing the First Action and Second Action against Roman;

e. Ebert anonymously calling The Kimmel Center in order to fabricate false allegations of retaliation by Roman against O'Brien for the Second Action; and

f. O'Brien, in the Second Action, falsely accusing Roman of calling The Kimmel Center to thwart her job prospects while knowing that it was Ebert who called The Kimmel Center.

58. But for the intentional and unjustified interference of O'Brien and Ebert, Roman would not have suffered the financial and reputational harm caused by their wrongful conduct.

**AS AND FOR COUNT II AGAINST O'BRIEN
ABUSE OF PROCESS**

59. Counterclaim/Third-Party Plaintiff Roman incorporates the above Paragraphs 1 through 58 as if set forth fully herein.

60. Counterclaim Defendant O'Brien initiated her lawsuits against Roman for the primary purpose of harassing and defaming him and harming his professional reputation.

61. Upon information and belief, subsequent to filing suit, O'Brien and Ebert acted in concert to leverage O'Brien's use of legal process in a perverse, coercive, and improper manner that was intended to benefit O'Brien financially and to cause Roman harm. Such actions include but are not limited to working in concert with Ebert to call The Kimmel Center to fabricate false allegations against Roman and including such false allegations in the Second Action.

62. As a direct result of Counterclaim Defendant O'Brien's wrongful conduct, Roman has suffered legal and financial harm.

**AS AND FOR COUNT II AGAINST EBERT
CIVIL CONSPIRACY**

63. Counterclaim/Third-Party Plaintiff Roman incorporates the above Paragraphs 1 through 62 as if set forth fully herein.

64. Upon information and belief, Ebert acted with O'Brien under a common purpose to commit unlawful acts, specifically to interfere in Roman's business relationship with MEF and to abuse legal process against Roman.

65. Upon information and belief, Ebert performed overt acts in furtherance of those unlawful purposes, including but not limited to calling Roman from a blocked number about baseless litigation and calling The Kimmel Center so that O'Brien could fabricate false allegations of retaliation by Roman against O'Brien for the Second Action.

66. As a direct result of Ebert's conspiratorial conduct, Roman has suffered legal and financial harm.

**AS AND FOR COUNT III AGAINST O'BRIEN
CIVIL CONSPIRACY**

67. Counterclaim/Third-Party Plaintiff Roman incorporates the above Paragraphs 1 through 66 as if set forth fully herein.

68. Upon information and belief, O'Brien acted with Barbounis, McNulty, Brady, and Ebert under a common purpose to commit unlawful acts, specifically to interfere in Roman's business relationship with MEF and to abuse legal process against Roman.

69. Upon information and belief, O'Brien performed overt acts in furtherance of those unlawful purposes, including but not limited to:

- a. Urging former employee Bennet with Barbounis, McNulty, and Brady to join a crusade against Roman;
- b. Agreeing to lodge baseless harassment allegations against Roman;
- c. Instructing Barbounis to wipe her MEF-issued laptop;
- d. Making false claims of harassment by Roman to MEF
- e. Filing the First Action and Second Action against Roman without cause;

- f. Conspiring with Ebert to call Roman regarding baseless litigation against him;
- g. Conspiring with Ebert to call The Kimmel Center in order to fabricate false allegations of retaliation against Roman; and
- h. Falsely accusing Roman of calling The Kimmel Center to thwart her job prospects while knowing that it was Ebert who called The Kimmel Center.

70. As a direct result of O'Brien's conspiratorial conduct, Roman has suffered legal and financial harm.

WHEREFORE, Counterclaim and Third-Party Plaintiff Roman demands judgment in his favor and against Counterclaim Defendant O'Brien and Third-Party Defendant Ebert for economic damages and punitive damages, in an amount to be determined at trial, plus attorneys' fees, all applicable pre-judgment and post-judgment interest, costs, and such other relief that this Court deems just and proper.

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Dated: April 10, 2020

Attorneys for Defendant Gregg Roman

CERTIFICATE OF SERVICE

I, Kevin Levine, Esquire, hereby certify that on April 10, 2020, the foregoing document was served via electronic filing upon the following counsel:

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